IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 6470 of 2007(T)

PETITIONER:

KALLINGAL ABOOBACKER,
S/O.K. MOIDEEN KURIKKAL, KALLINGAL HOUSE,
RAMANKUTH P.O., MUTHUKAD VIA.,
NILAMBUR TALUK, WORKING AS PART TIME SWEEPER
OLAVATTUR GOVERNMENT AYURVEDA DISPENSARY
MALAPPURAM.

BY ADV. SRI.K.SHIBILI NAHA
SRI.K.PRAVEEN KUMAR

RESPONDENTS:

---

1. STATE OF KERALA, REP. BY THE
SECRETARY, HEALTH AND FAMILY WELFARE
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF INDIGENOUS SYSTEMS
OF MEDICINE, THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER,
(INDIGENOUS SYSTEMS OF MEDICINE),
MALAPPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

= = = = = = = = = = = = = = =
W.P.(C) No. 6470 OF 2007 T
= = = = = = = = = = = = = = =

Dated this the 27th February, 2007

J U D G M E N T

Feeling aggrieved by Ext. P5 order passed by the Director of Indigenous Systems of Medicine confirming the order passed by the disciplinary authority who found the petitioner guilty of misconduct and imposed penalty on him, he has invoked the review jurisdiction vested in the 1st respondent. Though the petitioner has styled Ext. P6 review petition as one filed under Rule 35 of the Kerala Civil Services (Classification, Control & Appeal) Rules, 1960, the correct provision of law is Rule 34 of the aforesaid rules. Notwithstanding the mistake committed by the petitioner in quoting the correct rule, Ext. P6 can be considered by the 1st respondent since that respondent has got the power to do so. Counsel for the petitioner submits that early decision on Ext. P6 is necessary in the interest of justice.

2. I have heard Govt. Pleader also.

3. In the circumstances, there shall be an order directing the 1st respondent to call for the records,

consider Ext. P6 on merits and to dispose of the same in accordance with law within three months from the date of receipt of a copy of the judgment. The petitioner shall be afforded an opportunity of being heard before Ext. P6 is disposed of.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for compliance.

K.K. DENESAN
JUDGE

jan/